IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

THURSDAY, THE 18TH JANUARY 2007 / 28TH PAUSHA 1928

WP(C).No. 31340 of 2004(E)

PETITIONER:

*** G. VIJAYAKUMAR, AGED 53 YEARS,**
PRESIDENT OF THE KOLLAM LABOUR CONTRACT
CO-OPERATIVE SOCIETY LTD. 1012,
CHATHANNOOR.

THE NAME OF THE PETITIONER IS CORRECTED AS G.VIJAYAN INSTEAD OF VIJAYAKUMAR AS PER ORDER DT. 16.12.04 IN IA.17443/04.

BY ADV. SRI.BABU JOSEPH KURUVATHAZHA
SRI.K.I.SAGEER

RESPONDENTS:
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1. SECRETARY, KOLLAM MUNICIPAL CORPORATION
KOLLAM.

2. EXECUTIVE ENGINEER, CORPORATION,
KOLLAM.

3. DMO, MEMBER SECRETARY,
DISTRICT HEALTH & FAMILY WELFARE AGENCY,
KOLLAM.

BY ADV. SRI.M.K.CHANDRA MOHAN DAS,SC,KOLLAM MPT
GOVERNMENT PLEADER SMT.SMITHA SUKUMARAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 18/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 31340 OF 2004-E

JUDGMENT

The petitioner did certain civil works awarded by the 2nd respondent, as per the agreement dated 2.7.2002. It was a deposit work for the benefit of the 3rd respondent. The petitioner submits, the 3rd respondent has deposited the entire amount. He has completed the work and presented the bill on 31.5.2004. So far, the amount due to him has not been released. Hence this Writ Petition, seeking appropriate reliefs.

2. The 3rd respondent has filed a statement, stating that when the final bill is received from the Corporation, necessary funds will be arranged. The respondents 1 and 2 have filed a counter affidavit, stating that the District Medical Officer has not honoured the part bill prepared on 31.5.2004, for the reason that the entire work is not completed. According to the said respondents, it is for the 3rd respondent to release the funds.

3. If the amount due to the petitioner has not, so far, been released, the respondents 2 and 3 are directed to settle the claim of the petitioner. If the work has been completed satisfactorily and the bill has been presented, the 3rd respondent shall take a decision on releasing the amount due to the

petitioner within one month from the date of production of a copy of this judgment. Upon receipt of the amount from the 3rd respondent, the 2nd respondent shall release it to the petitioner without any further delay.

The Writ Petition is disposed of as above.

18th January, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/